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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,865	07/14/2003	Dharma Shukla	5486-0147PUS1	6961
67321 7590 10/17/2007 BIRCH, STEWART, KOLASCH & BIRCH, LLP 8110 GATEHOUSE ROAD SUITE 100 EAST FALLS CHURCH, VA 22040-0747			EXAMINER WOOD, WILLIAM H	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/618,865

Applicant(s)

SHUKLA ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 29-39 is/are pending in the application.
- 4a) Of the above claim(s) 9-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-8 and 29-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-8 and 29-39 are pending and have been examined. Claims 9-28 are withdrawn.

### ***Election/Restrictions***

1. As previously indicated in previous office action mailed, 29 January 2007.

### ***Claim Objections***

2. Claims 1-8 and 37-39 are objected to because of the following informalities: element (b) states " the process being specified by a the visual image" (emphasis added). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-8 and 37-39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 1 recites, "without developer involvement". This is not supported by the originally filed Specification. Additionally, newly added claims 37-39 have not been shown to have support in originally filed specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 34-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 34 recites the limitation "the query to the visual logic module" in element (c). There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 34-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 34 states, "a computer-readable medium having computer-executable modules", which according to paragraph 24 on page 7 of the Specification encompasses carrier

waves and data signals. Electromagnetic signals are not patentable. Claim 34 should be amended to start as follows: "A computer-readable storage medium storing [having] computer-executable modules" as is consistent with paragraph 24 on page 7 of the Specification.

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-8 and 29-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jabri** (US Patent Application Publication 2002/0066074 A1) in view of **Hollingsworth** et al. (USPN 5,444,836). The rejections are substantially maintained as previously indicated in office action mailed 29 January 2007. Newly amended claim limitations are rejected as follows.

#### **Claim 1**

A method for designing a process, comprising:

(a) designing a model for a process with a visual display surface without developer involvement (*paragraph 0026*);

(b) generating a high-level code emission for the process with an association between the model for the process and an user-selected supported, inserted graphical shape-construct corresponding to a visual image; the process being specified by a the visual image on the visual display surface (*paragraph 0034*); and

(c) transforming the high-level code emission into computer-executable instructions through, transforming the association between the model and the high-level code emission for the process is transformed into computer-executable instructions (*paragraph 0038*).

**Jabri** did not explicitly state:

determining a first contextual evaluation whether the supported, inserted graphical shape-construct of step (b) is compatible with any previously selected supported, selected graphical shape-construct, and only after having said compatibility is determined.

**Hollingsworth** demonstrated that it was known at the time of invention to provide a graphical modeling system that validates the semantics of the graphical elements (column 1, lines 52-62; column 2, lines 56-61; and column 3, lines 30-34). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the graphical programming of **Jabri** with semantic analysis as found in **Hollingsworth's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be

motivated to simplify the development by the user and produce valid models (column 3, lines 30-34).

Other independent claims 29, 34 and 36 are rejected in a corresponding manner.

Claim 37

**Jabri** and **Hollingsworth** disclose the method of claim 1, further comprising: allowing the user to bypass any high-level error detection and leaving error detection until the high-level code compiles through a compiler

*(Hollingsworth: column 1, lines 52-62; column 2, lines 56-61; and column 3, lines 30-34).*

Claim 38

**Jabri** and **Hollingsworth** disclose the method of claim 1, further comprising: user-selected customization for inserted-graphical shape-constructs, wherein the user may separately add high-level command functions after selecting the user-selected inserted graphical shape-construct *(Hollingsworth: column 1, lines 52-62; column 2, lines 56-61; and column 3, lines 30-34).*

Claim 39

**Jabri** and **Hollingsworth** disclose the method of claim 1, further comprising: user-selected customization for inserted graphical shape-constructs, wherein the user may initially enter high-level command functions, wherein the association between the model and the high-level code emission for the process is automatically triggered and a shape-construction is activated according to the high-level code (**Jabri**: paragraph 0034).

**Response to Arguments**

11. Applicant's arguments with respect to claims 1-8 and 29-39 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on



the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

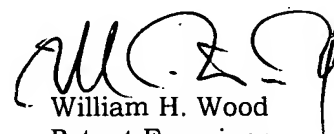
### ***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

  
William H. Wood  
Patent Examiner  
AU 2193  
October 15, 2007